

House Bill 453

By: Representatives Cox of the 105<sup>th</sup>, Harrell of the 62<sup>nd</sup>, Martin of the 47<sup>th</sup>, Stuckey of the 67<sup>th</sup> and Crawford of the 129<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to cruelty to children, so as to create the offense of child endangerment; to provide  
3 for penalties; to provide for construction; to provide for related matters; to provide for an  
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 5 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to  
8 cruelty to children, is amended by adding at the end thereof a new Code Section 16-5-73 to  
9 read as follows:

10 "16-5-73.

11 (a) A person commits the offense of misdemeanor child endangerment when such person  
12 acts or fails to act in conscious disregard of a substantial and foreseeable risk that the act  
13 or omission could endanger the health or safety of a child under the age of 16 years and  
14 when the act or omission constitutes a gross deviation from the standard of care which a  
15 reasonable person would exercise in the situation.

16 (b) A person commits the offense of felony child endangerment when such person acts or  
17 fails to act in conscious disregard of a substantial and foreseeable risk that the act or  
18 omission could endanger the health or safety of a child under the age of 16 years and when  
19 the act or omission constitutes a gross deviation from the standard of care which a  
20 reasonable person would exercise in the situation and such child suffers a serious bodily  
21 injury or death as a result of such act or omission.

22 (c) Any person who violates subsection (a) of this Code section shall be guilty of a  
23 misdemeanor and shall, upon conviction thereof, be punished as provided in Code Section  
24 17-10-3. Any person who violates subsection (b) of this Code section shall be guilty of a  
25 felony and shall, upon conviction thereof, be punished by imprisonment for not less than  
26 one nor more than five years.

- 1 (d) Each violation of this Code section shall constitute a separate offense.
- 2 (e) This Code section shall not be construed to amend or repeal any of the following
- 3 provisions:
- 4 (1) Subsection (b) of Code Section 16-5-60, relating to reckless conduct;
- 5 (2) Code Section 16-5-70, relating to cruelty to children;
- 6 (3) Code Section 16-5-72, relating to reckless abandonment of a child;
- 7 (4) Code Section 16-5-80, relating to feticide;
- 8 (5) Code Section 16-12-1, relating to contributing to the delinquency, unruliness, or
- 9 deprivation of a minor; or
- 10 (6) Subsection (1) of Code Section 40-6-391, relating to endangering a child by driving
- 11 under the influence of alcohol or drugs."

12 **SECTION 2.**

13 This Act shall become effective on July 1, 2001.

14 **SECTION 3.**

15 All laws and parts of laws in conflict with this Act are repealed.